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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/006,336	12/04/2001	Martin Rex Dorricott	450110-03699	6821
22850	7590	08/08/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			VAN HANDEL, MICHAEL P	
			ART UNIT	PAPER NUMBER
			2623	

DATE MAILED: 08/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/006,336	DORRICOTT ET AL.	
	Examiner	Art Unit	
	Michael Van Handel	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13, 15, 16 and 18-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15, 16 and 18-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 5/17/2006. Claims **1-13, 15, 16, 18-35** are pending. Claims **1, 7, 12, 13, 15, 18** are amended. Claims **14, 17** are canceled. Claims **20-35** are new. The rejection under 35 USC § 101 is hereby withdrawn in light of the amendment.

Response to Arguments

1. Applicant's arguments filed 5/17/2006 with respect to claims **1, 7, 12, 13, 20-35** have been considered, but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims **1-13, 15, 16, 18-35** are rejected under 35 U.S.C. 102(b) as being anticipated by Stefik et al.

Referring to claims **1, 12, 15, 16, 19, and 25**, Stefik et al. discloses a system/method for electronic media distribution, the system comprising:

- means for generating a plurality of media items (col. 6, l. 35-40; col. 7, l. 7-8);

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- a data repository (col. 7, l. 8-10) for storing a respective metadata item corresponding to multiple media items (col. 9, l. 50-67; col. 10, l. 1-23; & Figs. 5-10), each metadata item containing metadata relating to the generation of the corresponding media item (col. 10, l. 24-67);
- means for electronically distributing at least some of the media items to a plurality of end-users (col. 37, l. 52-67 & col. 38, l. 1-20);
- means for detecting reception by the end-users of the media items (copies-in-use field)(col. 10, l. 24-67); and
- means for associating, with each metadata item relating to an electronically distributed media item, a reception indicator indicative of the number of users receiving that media item (copies-in-use field)(col. 10, l. 50-53).

Referring to claims **2** and **26**, Stefik et al. discloses a system according to claims 1 and 25, respectively, in which the metadata item contains at least metadata relating to the planning or commissioning of the media item (col. 10, l. 65-67 & col. 11, l. 1-6).

Referring to claims **3**, **9**, and **27**, Stefik et al. discloses a system according to claims 1, 7, and 25, respectively, in which the media items include audio and video items (col. 6, l. 35-42).

Referring to claims **4** and **28**, Stefik et al. discloses a system according to claims 1 and 25, respectively, comprising means for associating a material identifying code with each media item for electronic distribution (the examiner notes that usage rights identify that a certain fee is associated with a digital work)(col. 11, l. 44-52 & col. 18, l. 55-65).

Referring to claims **5** and **29**, Stefik et al. discloses a system according to claims 4 and 28, respectively, comprising means for receiving the material identifying codes of media items received by end-users (col. 17, l. 48-67 & col. 18, l. 13-45).

Referring to claims **6** and **30**, Stefik et al. discloses a system according to claims 5 and 29, respectively, in which the receiving means comprises a modem link to the end users' receiving apparatus (col. 18, l. 24-26).

Referring to claims **7**, **13**, and **18**, Stefik et al. discloses a system/method for electronic media distribution, the system comprising:

- means for generating a plurality of media items (col. 6, l. 35-40; col. 7, l. 7-8);
- a data repository (col. 7, l. 8-10) for storing a respective metadata item corresponding to multiple media items (col. 9, l. 50-67; col. 10, l. 1-23; & Figs. 5-10), each metadata item containing metadata relating to copyright and/or ownership of the corresponding media item (col. 10, l. 24-67);
- means for electronically distributing at least some of the media items to a plurality of end-users (col. 37, l. 52-67 & col. 38, l. 1-20);
- means for detecting the copyright and/or ownership metadata relating to media items actually distributed to end-users (revenue-owner field)(col. 10, l. 45-67); and
- means for analyzing the media items actually distributed to end users to determine the content of the media items and generating payment information indicative of a required payment to the holder of rights defined by the copyright and/or ownership metadata based on a determination by the means for analyzing (col. 17, l. 48-67 & col. 18, l. 13-45).

Referring to claim **8**, Stefik et al. discloses a system according to claim 7, in which the data repository is a database (col. 14, l. 7-39).

Referring to claim **10**, Stefik et al. discloses a system according to claim 7, comprising means for associating a material identifying code with each generated media item, the material identifying code being mapped, in the data repository, to the copyright and/or ownership metadata (col. 10, l. 9, l. 50-67 & col. 10, l. 1, 8-67).

Referring to claim **11**, Stefik et al. discloses a system according to claim 10, in which the detecting means is operable to detect the material identifying code associated with media items to be distributed (col. 36, l. 29-34).

Referring to claims **20** and **31**, Stefik et al. discloses a system according to claims 1 and 25, respectively, further comprising means for logging a distribution time with a transport identifier for a transmitted media item (col. 11, l. 9-13).

Referring to claims **21** and **32**, Stefik et al. discloses the system according to claims 1 and 25, respectively, further comprising means for viewing figures generated at an analysis stage and associated with a metadata item (col. 17, l. 25-29).

Referring to claims **22** and **33**, Stefik et al. discloses the system according to claims 4 and 28, respectively, further comprising means for assigning different material identifying codes for different versions of a media item at a time the media item is distributed (col. 18, l. 6-67 & col. 19, l. 1-12).

Referring to claims **23** and **34**, Stefik et al. discloses the system according to claims 4 and 28, respectively, further comprising means for associating metadata items with each material identifying code recorded for each distributed version of a media item and saving the metadata

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items with each material identifying code in the data repository (col. 18, l. 54-67 & col. 19, l. 1-10).

Referring to claims **24** and **35**, Stefik et al. discloses the system according to claims 4 and 28, respectively, further comprising means for monitoring a final version of a distributed media item and subsequently modifying the material identifying code at distribution to include a form in which program is distributed (col. 18, l. 63-65).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571.272.5968. The examiner can normally be reached on Monday-Friday, 8:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571.272.7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Van Handel
Examiner
Art Unit 2623

MVH


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